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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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DEAN D. SMALL THE SMALL PATENT LAW GROUP LLP 225 S. MERAMEC, STE. 725T ST. LOUIS, MO 63105			EXAMINER MARTINEZ, DAVID E	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/722,914	Applicant(s) RAZ, ISRAEL	
	Examiner DAVID E. MARTINEZ	Art Unit 2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-11, 13-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art found in the US Patent Application Publication No. 2005/0114568 A1 of the instant application no. 10/722,914 (hereinafter AAPA), in view of US Patent Application Publication No. US 2008/0180701 A1 to Nakagiri et al. (hereinafter Nakagiri).

1. With regards to claims 1, 9 and 17, AAPA teaches a method for managing outputs to peripheral devices in medical systems devices, said method comprising:

- providing an instruction to control a peripheral [paragraphs 2-3];
- creating a data object based on the instruction [paragraphs 2-3];
- storing the data object in a first memory [the built in removable media used to transfer data - thus being non volatile – paragraph 3] if the peripheral device [paragraph 3] is not accessible (claims 1 and 17), not active (claim 9) [paragraph 3] and not available to accept the data object [paragraph 3].

AAPA teaches all of the above limitations but is silent as to storing the data object in a second memory to be output to the peripheral device [which is well known in the art], wherein the second memory is not a component of the peripheral device [also well known in the art]; and wherein the first memory stores the data object for a longer term than a second memory.

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However, Nakagiri teaches storing a data object [paragraph 65 – print process] in a second memory [fig 1 RAM memory element 102 – paragraph 65] to be output to a peripheral device [printer peripheral element 1500 - paragraph 65], wherein the second memory is not a component of the peripheral device [as shown in figures 1-3, RAM element 102 is included in the host computer element 3000 which is separate from peripheral element 1500] for the benefit of loading the data to be printed to volatile-memory for its printing processing/execution to take place [Nakagiri paragraph 65].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of AAPA and Nakagiri to store a data object [Nakagiri paragraph 65 – print process] in a second memory [Nakagiri fig 1 RAM memory element 102 – paragraph 65] to be output to a peripheral device [Nakagiri figs 1-3 printer peripheral element 1500 - paragraph 65], wherein the second memory is not a component of the peripheral device [Nakagiri as shown in figures 1-3, RAM element 102 is included in the host computer element 3000 which is separate from peripheral element 1500] for the benefit of loading the data to be printed to volatile-memory for its printing processing/execution to take place [Nakagiri paragraph 65].

The combination of AAPA and Nakagiri therefore teach wherein a first memory [the built in removable media used to transfer data - thus being non volatile – paragraph 3] stores the data object for a longer term than a second memory [Nakagiri fig 1 RAM memory element 102 – paragraph 65].

2. With regards to claims 2, 10 and 18, the combination of AAPA and Nakagiri teaches a method in accordance with claim 1 further comprising:

determining whether the peripheral device is available to accept the data object [AAPA paragraph 3].

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AAPA teaches all of the above limitations but is silent as to transferring the data object from the second memory to the first memory upon determining that the peripheral device is not available [note - this limitation contradicts the limitation found in claim 1 which transfers the data to the first memory upon the determination that the peripheral is not available]. However, it is well known in the art to transfer data from volatile memory (ram) to non-volatile memory (a hard disk) if a peripheral is or isn't available (such as a printer) for the benefit of save the data for later use.

It would have been obvious to combine the teachings of AAPA with those that are well known in the art to transfer the data object from the second memory to the first memory upon determining that the peripheral device is not available for the benefit of save the data for later use.

3. With regards to claims 3, 11 and 19, AAPA teaches enabling a user to access the data object from the first memory [paragraphs 2-3].

4. With regards to claims 5 and 13, AAPA teaches a method in accordance with claim 1 wherein said providing the instruction to provide the output comprises one of [←Please Note the Alternative Language]:

instructing to print [paragraph 2]; text, report, images,

instructing to record to a video cassette recorder;

instructing to electronically mail a copy of images to a remote location;

instructing to create a copy of the images on one of a floppy disk, a magneto-optical disk, a CD, a DVD, a flash memory card, and a digital versatile disc [paragraph 3]; and

instructing to create a copy of a patient's information on the digital versatile disc.

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5. With regards to claims 6 and 14, AAPA teaches a method in accordance with claim 1 wherein said creating the data object based on the instructions comprises one of [←Please Note the Alternative Language]:

creating a first data object that instructs to print [paragraphs 2-3];

creating a second data object that instructs to record to a video cassette recorder;

creating a third data object that instructs to electronically mail a copy of images to a remote location;

creating a fourth data object that instructs to create a copy of images on one of a floppy disk, a magneto-optical disk, and a digital versatile disc [paragraph 3]; and

creating a fifth data object that instructs to create a copy of a patient's information on the digital versatile disc.

6. With regards to claims 7 and 15, AAPA teaches a method in accordance with claim 1 wherein said storing the data object in the first memory if the peripheral device that provides the output is not available to accept the data object comprises:

storing the data object in the first memory if the peripheral device that provides the output is at least one of [note alternative language] deenergized and unoperational [paragraphs 2-3].

7. With regards to claims 8 and 16, AAPA teaches a method in accordance with claim 1 wherein a processor is configured to create the data object based on the instructions and wherein said storing the data object in the first memory if the peripheral device that provides the output is not available to accept the data object comprises: storing the data object in the first memory if the peripheral device that provides the output is operationally de-coupled from the processor [paragraphs 2-3].

8. With further regards to claim 9, AAPA teaches an imaging system comprising:

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a source configured to transmit medical imaging signals [paragraphs 2-3 – ultrasound imaging system]; and

a processor operationally coupled to said source [paragraphs 2-3 disclose the ultrasound imaging system performs processes that can only be performed by the use of a processor], said processor configured to do the steps as claim 1 above and thus rejected under the same rationale.

9. With further regards to claim 11, AAPA teaches an imaging system in accordance with claim 9 wherein said processor is configured to perform one of:

automatically obtain the data object from said first memory [paragraphs 2-3].

10. With regards to claim claim 21, AAPA teaches the imaging system in accordance with claim 9, wherein said source is a component of at least one of [note alternative language] an ultrasound imaging system [paragraphs 2-3], an electron-beam tomography (EBT) imaging system, a magnetic resonance imaging (MRI) system, a single photon emission computed tomography (SPECT) imaging system, a computed tomography (CT) imaging system, and a positron emission tomography (PET) imaging system.

Claims 4, 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art found in the US Patent Application Publication No. 2005/0114568 A1 of the instant application no. 10/722,914 (hereinafter AAPA). in view of US Patent Application Publication No. US 2002/0063880 A1 to Raney.

11. With regards to claims 4, 12 and 20, AAPA is silent as to a method in accordance with claim 1 further comprising: acknowledging that the data object is received by the peripheral device if the data object is received by the peripheral device, however, teaches acknowledging that a data object is received by a peripheral device if the data object is received by the

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peripheral device for the benefit of providing important information to a user for the purpose of enabling the user to rectify and avoid problems [paragraphs 25, 6].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of AAPA and Raney to acknowledge that the data object is received by the peripheral device if the data object is received by the peripheral device for the benefit of providing important information to a user for the purpose of enabling the user to rectify and avoid problems.

Response to Arguments

Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. MARTINEZ whose telephone number is (571)272-4152. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alford Kindred can be reached on 571-272-4037. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DEM
/Alford W. Kindred/
Supervisory Patent Examiner, Art Unit 2181